

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

AMY BENDER,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.
v.	)	2:19cv271-MHT
	)	(WO)
HILTON DOMESTIC OPERATING	)	
COMPANY INC.,	)	
	)	
Defendant.	)	

ORDER

During the status conference on October 29, 2020, the plaintiff clarified her complaint by dismissing counts 3 and 4 and explaining that she is seeking to hold the defendant liable under only a theory of "direct liability." In light of these developments and other representations made on the record during this status conference, the court believes it has a better understanding of the most efficient way to proceed.

Accordingly, it is ORDERED that:

(1) The plaintiff's unopposed request for

additional discovery under Rule 56(d), as contained in her response to the motion for summary judgment (doc. no. 26), is granted. The plaintiff will have until December 28, 2020, to complete the two previously scheduled depositions.

(2) No later than January 8, 2021, counsel for all parties shall conduct a settlement conference at which counsel shall engage in good-faith settlement negotiations. If settlement cannot be reached, counsel shall also discuss whether mediation will assist the parties in reaching settlement. Not more than seven days after this conference, counsel for the plaintiff shall file a pleading titled "Notice Concerning Settlement Conference and Mediation." This pleading shall indicate whether settlement was reached and, if not, whether the parties believe mediation or a settlement conference with the presiding judge will assist them in resolving this case short of trial.

(3) The defendant's motion for summary judgment

(doc. no. 21) is denied without prejudice, given the numerous developments in the case since it was filed. By no later than January 22, 2021, the defendant may refile in light of the plaintiff's clarification of the complaint, accounting for any new evidence introduced during the additional period of discovery.

(4) The pretrial conference, currently set for October 29, 2020, is continued to February 17, 2021, at 9:30 a.m., and the trial, currently set for the term of court starting on December 7, 2020, is continued to the term of court beginning on April 12, 2021, at 10:00 a.m., with all deadlines explicitly tied to these dates adjusted accordingly. The parties shall either submit a revised proposed pretrial order in advance of the new pretrial conference date or notify the court that their original proposed pretrial order is still accurate.

DONE, this the 2nd day of November, 2020.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE